

SENATE BILL NO. 194

INTRODUCED BY LAIBLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REQUIREMENTS FOR CERTAIN MINORS FOR THE OPERATION OF A QUADRICYCLE; PROVIDING REQUIREMENTS FOR THE OPERATION OF A QUADRICYCLE BY A PERSON UNDER 15 YEARS OF AGE; ~~REQUIRING A MINOR TO WEAR PROTECTIVE HEADGEAR WHEN OPERATING OR RIDING UPON A QUADRICYCLE;~~ AND AMENDING SECTIONS SECTION 23-2-822 AND 61-9-417, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-2-822, MCA, is amended to read:

"23-2-822. Off-highway vehicle operator responsibilities -- quadricycle restrictions. (1) An off-highway vehicle operator shall accept all legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use and shall regulate personal conduct at all times so that injury to self or other persons or property that results from the risks inherent in the sport of off-highway vehicle operation is avoided.

(2) Risks inherent in the sport of off-highway operation include variations in terrain, surface or subsurface conditions, crevices, ravines, streams, poor visibility, rocks, trees, other forms of forest growth or debris, and any other natural hazard.

(3) An off-highway vehicle operator is responsible for:

(a) knowing the range of the operator's ability to navigate any slope, trail, or area for off-highway vehicle use within the limits of the operator's ability, taking into consideration the conditions;

(b) maintaining control of speed and course at all times while operating the off-highway vehicle;

(c) heeding all posted warnings; and

(d) refraining from acting in a manner that may cause or contribute to the injury of anyone.

(4) A person under 15 years of age may not operate a quadricycle, as defined in 61-1-133, ON PUBLIC LAND unless the person:

(a) has taken and successfully completed a course, similar to that provided for in 61-5-110(3), concerning the safe operation of a quadricycle AND THAT INCLUDES OPERATION OF THE QUADRICYCLE UNDER TYPICAL

1 OFF-HIGHWAY CONDITIONS; AND

2 (b) is wearing protective headgear as required by 61-9-417; and

3 —— (c) is accompanied by a driver licensed under Title 61, chapter 5, part 1, or LICENSED UNDER a similar
4 law of another state.

5 ~~(4)~~(5) The provisions of this section do not affect a products liability cause of action based upon the
6 design or manufacture of off-highway equipment or products or safety equipment used incidental to the operation
7 of an off-highway vehicle."

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9 ~~—— Section 2.~~ Section 61-9-417, MCA, is amended to read:

10 ~~—— "61-9-417. Headgear required for minor motorcycle and quadricycle riders. (1) An operator and~~
11 ~~passenger under 18 years of age of a motorcycle or quadricycle operated upon the streets or highways of this~~
12 ~~state shall wear protective headgear upon the head. The headgear must meet the standards established by the~~
13 ~~department of justice.~~

14 ~~—— (2) A person may not operate a motorcycle upon a highway in the state unless all passengers under~~
15 ~~18 years of age are in compliance with subsection (1).~~

16 ~~—— (3) A person under 18 years of age shall wear protective headgear upon the head when operating or~~
17 ~~riding upon a quadricycle. The headgear must meet the standards established by the department of justice~~
18 ~~pursuant to subsection (1)."~~

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